

THE
TRYAL
OF

*John Cather, Adam Nixon, David
Alexander, and Patrick Cain, other-
wise Kane.*

AT THE
KING's BENCH,
In WESTMINSTER HALL,

By a SPECIAL JURY OF GENTLEMEN.

On Friday the 5th of JULY, 1751.

FOR A

CONSPIRACY
AGAINST THE
Hon. EDWARD WALPOLE, Esq;

In endeavouring to extort Money from him, under Pretence of an Assault, with an Intent to commit BUGGERY on the Body of *John Cather*; with Copies of the several Records, and original Papers relating thereto: And at the End of which Trial is inserted a full and impartial Narrative of the Whole of that wicked Conspiracy, particularly That of the Attempt to charge Mr. WALPOLE with FORGERY.

To which is Annexed for the Use of the Gentlemen of the Law,
An examined Copy of the remarkable RECORD on which the Defendants were tried for the said Conspiracy, well worthy of Perusal, the same having been settled by the greatest Men of the Profession.

The SECOND EDITION.

D U B L I N:

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MAR 2 1909

An impartial and authentic Account of the infamous Conspiracy carried on against the Hon. Edward Walpole, Esq; by John Cather, Walter Patterson, Adam Nixon, David Alexander, Patrick Cain otherwise Kane, and others.

THE Contents of the following Pages open such a Scene of Iniquity, such a Conspiracy, that no Age can parallel ; and in order that the Whole of the villainous Affair may be laid properly before the Publick, I shall, after having given the Particulars of the Proceedings on the Trial of Cather, Alexander, Nixon, and Cain, four of the Delinquents, annex a farther Account, in an Historical Way, of that most horrid and unprecedented Conspiracy, which could not, according to form of Law, appear upon the Trial, the bare Recital of which must make human Nature shudder.

I shall not premise any Thing farther, but proceed to the Trial, only assuring the Reader, that the Delay of the Publication of this Pamphlet has been only to collect all the materials regularly together ; and in obtaining authentic Copies of the several original Vouchers herein after inserted.

Westminster-Hall, Friday, July 5, 1751.

The Lord Chief Justice Lee being come into the Court of King's-Bench, a special Jury of Gentlemen of the County of Middlesex, who were summoned there for the Trial of John Cather, Adam Nixon, David Alexander and Patrick Cain, otherwise Kane, for a Conspiracy against Edward Walpole, Esq; attending, the following 24 Gentlemen being on the Pannel, the first 12 of them were sworn, to try the issue between our Sovereign Lord the King, and the several Defendants.

J U R Y M E N.

- * Robert Vincent, of South Mims, Esq; Foreman.
- * Peter Godding, of Tottenham, Esq;
- * John Wayland, of the same, Esq;
- * William Clarke, of Endfield, Esq;
- * William Withers, of Bunhill-Row, Esq;

- John Reynolds of Tottenham, Esq;
- Paul Whitchcott, of Finchley, Esq;
- Plumcket Woodroffe, of Chiswick, Esq;
- William Woodroffe, of the same, Esq;
- Samuel Beaver, of Hammersmith, Esq;
- Richard Coope, of Fulham, Esq;
- George Putland, of the same, Esq;
- John Nicol, of Page-Street, Esq;
- Charles Peke, of Tottenham, Esq;
- Nathaniel Sheppard, of Christ-Church, Esq;
- David Heckstetter, of Tottenham, Esq;
- James Quilter, of Hadley, Esq;
- John Hope, of Christ-Church, Esq;
- Samuel Jones of Stepney, Esq;
- Lester Selman, of Old-Ford, Esq;
- John Haggard, of Bow, Esq;
- Richard Bridgman, of Finchley, Esq;
- Thomas Fothergill, of the same Esq;
- Robert Thomas, of Highgate, Esq;

The Council for the Crown were, Mr. Davy, Mr. Pratt, Mr. Ford, Mr. Henly, Mr. Hume Campbell and Sir Richard Lloyd; for the Defendant Alexander, Mr. Benny and Mr. Stowe; and for the Defendant Nixon, Mr. Whitaker, and Mr. Clayton; the other Defendants Cather and Cain had no Council.

The Indictment set forth, That John Cather, late of the Parish of St. Sepulchre in the County of Middlesex, Gent. Walter Patterson, late of the same Place, Gent. Adam Nixon late of the same Place, Gent. Daniel Alexander, late of the same Place, Gent. and Patrick Cain otherwise Kane, of the same Place, Labourer, being Persons of ill Name, Fame, and Reputation, and combining, contriving, conspiring, intending, designing, and agreeing, not only to deprive the Honourable Edward Walpole, Esq; of his good Name, Fame, and Reputation, but also wickedly, maliciously, falsely and unjustly, to charge and accuse the said Edward, with making an Assault on the said John, with an Intent feloniously and against the Order of Nature, to commit that detestable and sodomitical Sin (not to be named amongst Christians) called Buggery, with the said Cather, and to subject the said Edward to such Punishment, as by the Law of this Kingdom, Persons guilty of such Misdemeanors as aforesaid, are subject and liable to, and with an Intent and Design, unlawfully and unjustly to procure

Money

Money to themselves from the said Edward, they the said Defendants in pursuance of the said Combination and Conspiracy, on the 24th Day of April, in the 23d Year of his present Majesty's Reign, at the Parish aforesaid, in the County aforesaid, did wickedly and maliciously combine, conspire, and agree together, that he the said John Cather, should at the then present Session of the Peace, held for the County of Middlesex, at Hicks's-Hall in St. John's-Street, prefer a Bill of Indictment against the said Edward Walpole, for the Offence before-mentioned, altho' they the said Defendants very well knew that the said Edward had never made any Assault on the said John Cather, with any such felonious Intent as aforesaid.

The Indictment further set forth, That the said John Cather, in further pursuance of the said wicked Conspiracy between him and the said other Defendants, did, according thereto, at the said Session of the Peace, wickedly and without any Cause, prefer an Indictment against the said Edward, which Indictment is to the Effect following, that the Honourable Edward Walpole late of the Parish of St. James, within the Liberty of Westminster in the County of Middlesex, Esq; on the first Day of March, in the 23d Year of the Reign of our Sovereign Lord GEORGE the Second, King of Great-Britain, &c. with Force and Arms, at the Parish aforesaid, in the County aforesaid, in and upon one John Cather, Gent. in the Peace of God and our said Lord the King, and then and there being, did make an Assault, and him the said John, then and there did bear, wound and ill treat, so that his Life was greatly despaired of, with an Intent then and there feloniously, and against the Order of Nature to commit that detestable and sodomitical Sin (not to be named amongst Christians) called Buggery, with the said John, and other Wrongs to the said John, and then and there did to the great Damage of the said John, and against the Peace of our said Lord the King, his Crown and Dignity, &c.

The Indictment against Mr. Walpole, was afterwards removed by his Majesty's Writ of Certiorari, into the Court of King's-Bench, to which he, in the Trinity Term following, pleaded not Guilty, and at the Setting of Nisi Prius after that Term, held at Westminster-Hall, in the County of Middlesex, before the Right Honourable the Lord Chief Justice Lee, on Issue being joined, the said Indictment came on to be tried by a Jury of the County, who brought in their Verdict, that the said Edward Walpole was not guilty of the Premisses laid in the said Indictment.

And therefore the said Indictment against the said Cather, Patterson, Nixon, Alexander and Cane, charge, that they did, on the Day and Year first above mentioned, at the Parish of St. Sepulchre, in the County aforesaid, wickedly, maliciously, unjustly, and without Cause, combine, conspire, contrive, and agree together, to get and procure the said last mentioned Indictment preferred and found against the said Edward Walpole, in Manner and Form aforesaid, with the Intent and Design aforesaid, and for other wicked and malicious Purposes, and other Wrongs and Injuries to the said Edward Walpole, then and there did, to the great Damage of the said Edward Walpole, and against the King's Peace his Crown and Dignity.

The Council for the Prosecution, having open'd the Indictment, they very copiously laid before the Court and Jury sworn, the heinous and aggravating Nature of the Crime of which the Defendants stood indicted, and took Notice of the evil Tendency that might have accrued from such an enormous, flagrant and unparallel'd Practice, if this should go unpunish'd ; and then they began to call their Witnesses to support the Charge.

Mr. Edward Walpole being in Court and sworn, deposed, that when he was Abroad on his Travels, he became acquainted with Lord Boyne, of the Kingdom of Ireland ; that while he was in that Kingdom as Secretary to the Duke of Devonshire, the Lord Lieutenant, his former Acquaintance with that Lord was improved, and he conceived the greatest Friendship for his Lordship, from whom he had received many Civilities both at his Lordship's House and elsewhere, so that he thought it incumbent on him to do all the good Offices in his Power for him and his Friends, and accordingly procured his Lordship's Brother a considerable Place in Ireland, and likewise procured Places for many of his Lordship's Friends ; and being at the said Lord's House in Ireland, Application was made to him in Behalf of one Cather, who was the Son of one of that Lord's Tenants, who intended to go to England ; and Mr. Walpole being willing to serve any Person that belong'd to that Gentleman, promis'd, if he came to England, that he would recommend him to some Employ.

Some Years after Mr. Walpole had arrived in England, Cather came to him ; and upon his examining him, found him incapable of undertaking any Business, so advis'd him to go to Service in some Gentleman's Family, in order to improve himself. Mr. Walpole further said, he would have

taken

taken him into his own Family at that Time, if he had had a Vacancy ; but his Steward being then (and indeed now continuing) very ill, he did intend whenever he died, or that he had Occasion to part with any other of his Servants, to take Cather into his House ; and if the Death of his Steward had happen'd at that Time, he intended to have removed his own Man into his Stewards Place, and his Servant that attended on his Children into his Place, and to have taken Cather to attend his Children.

After this Cather some Times came to Mr. Walpole's House, and was entertain'd amongst his Servants, being in waiting, as he pretended, to hear of a Place, ; but on the 17th of March last was twelvemonths, Mr. Walpole's Servant acquainted him that he had been out, and met Cather at a Beer-house, dress'd in a Silverlac'd Waistcoat, a Ruffl'd Shirt, and very fine ; that Cather seem'd in some Confusion at seeing him, and call'd him aside, and gave him a Dram, and begg'd he would not tell his Master that he had seen him in that Dress, and said he only borrow'd those Cloaths, in Honour to the Day, it being St. Patrick. This Account Mr. Walpole said gave him a bad Opinion of Cather, imagining from thence, that he had got acquainted with some bad Company, and therefore he resolved to have nothing more to do with him.

In some Time after Cather came to Mr. Walpole's House, with a Letter, wherein he signifyed to Mr. Walpole that he had heard of a Place, and begg'd Mr. Walpole would recommend him, which he refus'd to do, and then forbid him his House.

Mr. Edward Walpole likewise said, that sometime in April, 1750, he received a Letter sign'd Daniel Alexander, informing him of an Intention of a Prosecution to be set up against him by one *John Cather*, for an Attempt to commit Sodomy ; but as he the said Alexander had a Respect for him and the Walpole Family, he had declined proceeding in that Cause till he first had acquainted him with it ; this Letter he mark'd when he receiv'd it and it was read in Court.

He further said, that in some little Time after he received another Letter much to the same Purpose, with some Assurances or Declarations mention'd in it, of his, the said Alexander, having it in his Power to serve Mr. Walpole in the Affair, which he declared he would do, if he would permit him. Mr. Walpole return'd no Answer to either of those Letters ; and said, that in some Time after,

one Walter Patterson came to him, and inform'd him of a Prosecution that was carrying on by Cather against him the said Mr. Walpole ; and that he the said Patterson was concern'd as an Attorney or Sollicitor in the Affair, and was employed by Cather ; and that a Bill of Indictment was, or soon would be, preferr'd against him, if not timely prevent'd ; but Mr. Walpole knowing his own Innocence, paid little regard to those Informations offer'd by Alexander and Patterson, as if in Friendship to him, so that they had not their desir'd Effect.

In a few Days after, Alexander waited on him at his House in Pall-Mall, and desired to speak to him alone ; who being admitted, began to talk of Cather's Affair, and said, he had declined being concerned, as he could not think that there was any Thing in it, having always the utmost regard for his Honourable Family ; and talked in a most artful Manner, saying, that all Men had their Passions, and that Crime that was now look'd upon in so heinous and criminal a Manner, was very much used amongst the Antients, especially in Italy ; and seem'd to make very little of that Crime ; however, he said, he was of Opinion, that it was better to prevent any Report or Cause of Suspicion, timely, by either stopping the Information, if there was any Truth in it, or if otherwise, in discovering the Plot, which he was very sure was much in his Power to do, and he would use his Endeavours, if he would please to permit him. Mr. Walpole then told him, that he was oblig'd to him for his kind Offers ; but said, that his artful way of expressing himself, gave him Reason to think, that he was as far concern'd in the Plot as any, and though then in a great Passion, conceal'd it, and resolved to treat him civilly, in order to get at the Truth, and the Authors of the Conspiracy ; and then he told Alexander, that he himself had had some Intelligence lately about the Affair, which was that a Bill of Indictment was found against him, on the Oath of Cather ; Alexander then saying, that he knew nothing of a Bill being found, Mr. Walpole said that he could likewise tell him what Conversation had past between him and Patterson, when the last Letter was wrote that he had received, and which was that Mr. Walpole had a great deal of Money, and we must have some of it.

Alexander, upon this, reply'd that they were not the express Words, but that they were much to the same Purpose, and own'd that Patterson was present when that Letter was wrote, and that he directed and indited it. Mr.

Walpole

Walpole further said, that he did not say this from any Information that he had heard of it, but from his own Suspicion, believing that Alexander and Patterson were both concern'd in the Conspiracy against him.

He further deposed, that he had many other Letters to produce to the Court, and that Alexander had been often with him afterwards about the Affair, and particularly one Time, when his Brother Horace was present ; that at this Time Alexander sent up his Name, when he ordered his Servant to shew him up Stairs into the Room where he and his Brother then were ; that when Alexander came into the Room, he desired to speak to Mr. Edward Walpole alone ; that he refused that Request, and told him that his Brother was no Stranger to what he supposed he was going to mention, whereupon Alexander informed Mr. Walpole, that he had made great Enquiry into the Affair of Cather ; that he found that it was not only an Attempt on Cather, but that Sodomy was committed on him, whereby he was greatly damaged, and was now under the Care of a Surgeon. Mr. Walpole said he was very angry at hearing that Expression, and swore that he would know who the Surgeon was, and who the Person was that had been guilty of such a Crime with the Fellow, and insisted to know in whose Care he was. Alexander then said he did not know that, for it was Patterson that had told him, that Cather was under the Care of a Surgeon ; but that he would venture to say, that it was then in his Power to put an End to the whole Affair, if he the said Mr. Walpole would employ him, and that he had learn'd something of the Affair, that might be of great Service to Mr. Walpole, if the same came to be tried ; that he was also of Opinion, that since Cather found, that he the said Alexander, had refus'd being concern'd, it would be no hard Matter to compromise it, which he then recommended to Mr. Walpole ; all the Time Mr. Walpole absolutely refus'd any Compromise, insisting, that if Cather was ill, as he the said Alexander represented, he would know the Cause of his Disorder, and who the Surgeon was.

Mr. Walpole further said, that some Time after the said Alexander came again to his House, when Mr. Slawter being with him, he desired Mr. Slawter to stay in the Room, which he did. That, as soon as Alexander entered the Room he desired to speak a few Words with him ; that he told him the Business he supposed he came about was concerning Cather, therefore he might speak there ; that then Alexander said that he was informed, that he, Mr. Walpole,

pole, had compromised or made up the Affair, which Report he said he could not credit, as he had refused any Composition when he was last with him, and that he then waited on him to know the Truth from himself. Mr. Walpole then told him he had no Intention of making up, or compromising any such villainous Affair.

Mr. Walpole was ask'd by the Council for the Defendant Alexander, whether he had ever wrote to Alexander, to which Mr. Walpole said, he did not then remember that he had ; but a Letter being produced, and shewed to Mr. Walpole, he readily acknowledged it to be his Writing, and added, that he was the more certain, as he had not therein either spelt or wrote his Name as usual, not knowing what Advantage such a dangerous Set of People might take of it, if he had. This Letter was not read in Court, it not being desired by the Council on either Side.

The Council having ask'd Mr. Walpole, whether he had employed any Person or Persons to find out the Authors, or Contrivers of this Conspiracy ; he said he had employed Mr. James Worsdale, Mr. Andrew White, Mr. John Brownsmith, and Mr. John Sherwood, for that Purpose.

Mr. Horace Walpole being sworn, deposed, That on hearing the Report of a Prosecution being carrying on against his Brother Edward, he wrote to him about it, and was informed by his Answer, that such a Prosecution was intended against him ; that on Receipt of his Brother's Letter, he came to London, to his Brother's House in Pall-mall, and was there in Company with his said Brother, when Daniel Alexander came to the House, and was admitted into the Room where they were ; that Alexander desired to speak with his Brother alone, but his Brother refused to talk alone with him ; and then they talked about a Prosecution being carrying on against his said Brother, by one Cather ; and that Alexander strongly recommended to his Brother to stop the Proceedings ; that it was greatly in his, the said Alexander's, Power to serve Mr. Walpole, in preventing it, and that he seem'd very desirous to be employed by Mr. Walpole ; that his Brother refused any Compromise of so black and vile an Affair, and thank'd Alexander for the many Protestations he made of Friendship and Willingness to serve him ; and that as soon as he, the said Alexander, left the Room, he took a Memorandum of the Substance of what had passed between them, lest it should slip his Memory, which Memorandum he then produced, and read in Court.

Mr,

Mr. Stephen Slawter being sworn, deposed, that on the 31st of May was Twelvemonths, he was with Mr. Edward Walpole, at his House in Pallmall, when a Servant came to tell Mr. Walpole, that one Mr. Alexander wanted to speak with him; that Mr. Walpole desired him, the Servant, to shew him into the Room where they were; and that Mr. Walpole desired him, the said Slawter, not to leave the Room; that when Alexander came into the Room, he told Mr. Walpole that he heard that he had made up the Affair with Cather, but that he could not credit it, as he had refused any Composition when he was last with him; that Mr. Walpole then declared, that he had not, nor would not compromise any such villainous Affair; that Alexander seemed to want to be employed by Mr. Walpole to compromise the Thing, and spoke very artfully, as he thought; and that he, the said Slawter, had taken a Memorandum of what had passed between them, which he likewise produced in Court.

Being asked by the Council for the Defendants when he wrote the Memorandum that he produced, he said, in three or four Days after the Conversation at Mr. Walpole's House.

Mr. Robert Bygrave being sworn, deposed, that he acted as Attorney for Mr. Walpole in the Cause wherein John Cather was Prosecutor against the Honourable Edward Walpole, Esq; for an Assault, on him, the said Cather, with an Intent to commit Sodomy; that he believed that that Prosecution was wicked, and calculated only to extort Money from that Gentleman; and farther, that Daniel Alexander had been often with him whilst that Prosecution was carrying on; that Alexander told him that he believed it to be very iniquitous, and that he had been applied to in order to act as Attorney for Cather in the said Prosecution; that he had had Money from him and his Confederates for that Purpose, but that he had declined, being concerned on Account of his Friendship for Mr. Walpole and his Family; that they threatned to sue him for the Money he had received from them, and that they had employ'd one Mr. Lewis of Clifford's-Inn, to sue him the said Alexander, for the said Money in the Marshalsea-Court.

ters were proved to be the Hand-writing of Daniel Alexander, by Mr. John Grove, of Hammersmith, who being sworn, looked at all the Letters severally, and said, he believed them all to be of Alexander's Hand-writing.

Being asked by the Council for the Defendant, how he could swear that they were all of the Hand-writing of Alexander, as they were wrote in several Hands; he replied, that he had been long acquainted with his Hand-writing; that he knew he could alter it when he pleased; that he could write many Hands; that he had no Doubt in him in regard to any one of the Letters, but had some to the Cover of one of them; but did believe that also to be wrote by him.

William Collier, Servant to Mr. Edward Walpole, being sworn, deposed, That on the 17th Day of March, 1750, he went into a Beer-house, where he met John Cather; that he, the said Cather, was dress'd in a Silver-laced Waist-coat, a ruffled Shirt, and very fine; that Cather seemed in some Confusion when they met; that Cather called him aside, and gave him a Dram; that he begg'd he would not take any Notice to his Master that he had seen him in that Dress; and said, he only borrow'd those Cloaths in Honour to his Country, it being St. Patrick's Day; that when he came Home, he told his Master, that he had seen Cather, and described his Dress; that in a few Days after, Cather came to his Master's House, and he said, he had heard of a Place, and wanted Mr. Walpole to recommend him; that he had a Letter for his Master, which he carried to him; and when his Master had read the Letter, he spoke to Cather, and taxed him with his being so finely dress'd a few Days before; that Mr. Walpole told him, he believed he kept bad Company, therefore he would not recommend him to any Gentleman, or have any Thing to say to him, and at that Time forbid him his House, and ordered, that none of his Servants should encourage him to come there; and that he believed his Master had conceived a bad Opinion of Cather on Account of what he had told him of him.

Mr. James Worsdale being sworn, delivered his Evidence in a very facetious and satisfactory Manner; and deposed, that some Time in April, 1750, being in Company with Mr. Edward Walpole, whom he had an Intimacy with, and a great Friendship for, he told Mr. Walpole, that he had been at a Coffee-house, and in Company with some Persons, that took too much Liberty with his Character; that he then resented it, and found by the Person who made

use of his Name, that he did not at all know Mr. Walpole, but had spoke what he did, only from common Report. Being ask'd by the Council, what it was that he heard said of Mr. Walpole, at that Coffee-House, he reply'd, the Gentleman said that he was guilty of Sodomy, or at least accused of that Crime; that Mr. Walpole then told him the whole Affair of his being accused by one Cather, and that he believed some others, more artful than himself, were concerned in the Scheme, and that it was calculated only to extort Money from him; that Mr. Walpole was very desirous to find out who they were, that were concern'd with Cather in the Conspiracy. Upon hearing this he promised Mr. Walpole his Assistance in the Discovery of that wicked Scheme; and to accomplish it, he got the Name of Cather, Patterson and some others, supposed to be concern'd; and after some Enquiry after them, he found they resorted to the Globe in Bridges-street, Covent-Garden; that in order to the easier getting into their Company, he disguised himself, and went to the Globe, but not finding them there, he went into a Publick-house, the Sign of the Devil and Bag of Nails, (for so that Gentry call'd it among themselves, tho' it was at the Black-moor's Head, and Wool-pack,) by Buckingham-gate; that there he found some People at Skettles; that he call'd for some Beer, Pipes and Tabacco, and sat down near where they were at play, and soon found by their Conversation they were some of the People he wanted; that he interfered in their Play, and greatly applauded the Bowling of one, and the Tipping of others, and by that Means ingratiated himself into their Conversation, so that they became very free; that he drank with them, and they with him, and that when their Play was over, one of them, who seemed to like his Conversation, ask'd him if he was engaged that Evening; he said he was not; they said they should be glad of his Company to smoke a Pipe with them, which he readily consented to, it being what he wanted; that they then went to the Globe in Bridges-Street, and there call'd for some Liquor, and after some Conversation about different Things, Patterson, who was one of the Company, ask'd him if he had heard of what lately had happened to a certain Right Hon. he said he had not, and ask'd what Right Honourable he meant, and Patterson reply'd the Right Honourable Edward Walpole, Esq; On this Mr. Worsdale began to abuse Mr. Walpole himself, saying, Damn him, there is nothing too bad can happen to him, for that there was not a greater

Scoundrel

Scoundrel in England. Patterson then said he was a bad Man ; that he had been guilty lately of a very bad Action, no less than an Attempt to commit Sodomy with a poor young Fellow of his Acquaintance, and had now refus'd giving him any Thing to support him ; but that he believed the Person would make him pay for it ; Mr. Worsdale then said, he was not surpriz'd to hear that ; that he knew a poor Fellow that Mr. Walpole had serv'd in the like Manner, and that it was a Pity some Body did not take it in Hand to make him pay for such Practices ; Patterson then saying he intended it, Mr. Worsdale said he would lend a Hand, and procure a Person that should swear it against Walpole. Patterson upon this Conversation, said they had one to swear that already ; then Mr. Worsdale ask'd if the Person they had to swear was stanch, and not to be bias'd from swearing ; that if he was by any Means bias'd from swearing, his Acquaintance should swear against the Scoundrel, and that he would join in the Expence of prosecuting him ; for that he had formerly used him the said Worsdale very ill ; Patterson then said he was glad he had met with him, and call'd for a Bowl of Punch, and they drank heartily together.

Being ask'd by Council, who he saw there, he said Patterson, Dennison, Faulkner, and some others, but not Cather ; and being ask'd if he had seen Alexander or Nixon there, or at any other of their Meetings, he said no, that he had nothing to say about either of them.

Mr. Worsdale then proceeded in his Evidence, and said, that they parted that Night with Promises of both Parties to meet there again in a short Time ; but that he not being contented with what Discoveries he had made then, as he had not seen Cather ; and meeting one Andrew White the next Day in St. James's Park, whom he was acquainted with, and knew to be of the Kingdom of Ireland, he ask'd White if he knew one Cather, an Irishman ; that Mr. White said he did, and that they had lodg'd in the same House together ; that he then told White the Affair, and desired he would assist him in finding out Cather, which he promised to do.

A few Days after this, according to Appointment, he met Patterson, Dennison, and Faulkner. Being ask'd where he met them the second Time ; he reply'd, he met them at the Devil, (meaning the Black-moor's Head and Wool-pack) where he first met them. Being ask'd what Conversation he had with them at this Time, he said it was to the

Purpose

Purpose of the first that he had related ; and added, that he abused Mr. Walpole very much, by accusing him to them of many Crimes which he knew nothing of, in doing which he was obliged to get quite out of himself, to join with a Set of People that was quite his Aversion.

He farther deposed, that he had agreed to join with them in carrying on the Prosecution against Mr. Walpole, and that they had other Meetings at different Times and Places on that Occasion ; that in a few Days after, White came to him, and told him that he had seen Cather and one Cain ; that they had discover'd to him their intended Prosecution against Mr. Walpole ; that he, the said White, had promised to assist them therein ; and that they had agreed to give him a Dividend of the Money they expected to get from Mr. Walpole. That he then desir'd White to introduce him into Cather and Cain's Company ; when White and he agreed to meet that Evening at Cuper's Gardens ; and White promised, if possible, to bring Cather and Cain with him ; that accordingly White, Cather, and Cain met this Deponent that Evening in Cuper's Gardens, where he went under the Denomination of Counsellor Johnson ; that White introduced him to Cather and Cain, and told him, that he, the said Cather, was his Friend, and had been ill-treated by a certain Gentleman, whom he wanted to prosecute ; but that he was poor, and had not Money to go on with the Law ; and that he knew Cather to be honest, and would pay when in his Power, and begg'd he would undertake the Affair. This Deponent promised White that he would do for his Friend what lay in his Power ; adding, if any Money was wanting, he would advance it to carry on his Prosecution ; but desired he would tell him the Nature of his Case ; which he did, and Mr. Worsdale then promised to assist him. Cather told him he had been extremely ill-used ; that the Hon. Edward Walpole, Esq; who was the Person he intended to sue, had encouraged him to come from Ireland, and now refused to do any Thing for him ; and that he had otherwise used him ill by making an Attempt on him to commit Sodomy, and therefore he wou'd be reveng'd of him for his Impudence. I wish, added Cather, I had met with you first upon this Busines, for it is to get Money ; and if you will go to Mr. Walpole, and if he will give me 100 l. the Prosecution shall drop, otherwise I will be revenged of him by G—d.

This Deponent farther deposed, that when they came away from the Gardens, they took Boat and cross'd the River ;

River; and whilst in the Boat, Cain and he began to talk of the Affair; that he then ask'd Cain if Mr. Walpole had made any Attack on Cather, in order to commit Sodomy, and whether he believ'd Mr. Walpole guilty of such Practices, when Cain reply'd, No, he never had made any such Attempt upon him, but that he had used Cather ill in not providing for him, according to his Promises; that the poor Fellow was starving, and this Charge was only calculated to get some Money from Mr. Walpole. That he this Deponent then applauded it, and swore that he liked the Scheme prodigiously; that he would assist in carrying it on; that he was certain they should get Money enough, as Walpole was rich; when upon his so saying, Cain told him, that the Scheme was laid by him; that he generally had Success in such Affairs, and that they had lately had a Sum of Money from a Gentleman, whom he then named, though this Deponent did not chuse to mention the Name in Court.

Mr. Worsdale farther deposed, that he went the next Day and inform'd Mr. Walpole of what had happen'd, and that he had got at the Knowledge of Cather, and likewise a Confession from Cain, of its being only a Contrivance, in order to obtain Money from him; and Mr. Walpole thinking it then Time to have some of them taken up, desired this Deponent to assist him in getting Patterson first, whom he then had a Warrant against as a Vagrant*. Accordingly Mr. Worsdale went to Cather, and appointed to meet him that Evening in Somerset-House Gardens, where Cather promised to bring Patterson, in order to give some Instructions how to proceed in his Cause; and he, in order to be ready for their Reception, procured Mr. James Gray, a Constable, who then went with him to Somerset-House, where he had a Friend lived, the Windows of whose Apartment looked into the Garden, where he the Counsellor had appointed to meet them, to consult about carrying on the Prosecution. From this Window he could see them, as they walked in the Garden; and when Cather, Cain, Faulkner and Patterson were come according to his Invitation to his new Entertainment, he changed Cloaths with Mr. Gray the Constable, and went into the Gardens where they were; and they seeing Gray dress'd in Mr. Worsdale's Cloaths, Cather said "Here comes the Counsellor;" but when they came up to them, Mr. Worsdale shewed Patterson

* Patterson was apprehended as a Vagrant, the Particulars of the Affair are related in the subsequent Narrative.

erson to the Constable Gray, telling him that was his Prisoner, which put them all in great Confusion, and they now discover'd their present supposed Counsellor to be a Constable, and Mr. Worsdale, their former supposed Counsellor, the Discoverer of their wicked Schemes.

Mr. Andrew White being sworn, depos'd, That some Time in April, 1750, he met Mr. James Worsdale, in St. James's-Park ; that Mr. Worsdale asked him, if he knew one John Cather, an Irishman ; that he said he did, and that they had lodged some Time ago in the same House ; that Mr. Worsdale then said, he wanted greatly to see him, and to be acquainted with him ; that he being intimately acquainted with Mr. Worsdale, he asked him, what he wanted to be acquainted with Cather for ; that Mr. Worsdale then said, he suspected him to be concerned in a villainous Prosecution that was carrying on against a Friend of his ; that he wanted to see him on that Account, and desired he would make them acquainted by any Means, if possible ; that this Deponent then told him, it was no hard Matter ; for that he believed he knew where Cather then lodged ; that he promising Mr. Worsdale his Assistance and Secrecy, Mr. Worsdale told him the Manner of the Conspiracy against Mr. Walpole ; that Cather was the Man who was to swear against him ; that he was sure that the Accusation was false, and that he had already seen and been in Company with some who were concerned, but had not seen Cather. This Deponent farther said, that he promised to do his Endeavours to find Cather out, and to bring him acquainted with Mr. Worsdale, and to learn of Cather as much as he could ; that he went the next Morning to the Sign of the White Bear in Prince's-Street, near Drury-Lane, and enquired there if Cather was within ; that he was informed he was in Bed ; upon which he went up Stairs, and found him ; that he asked him the Cause of his lying so long, it being then about Eleven o'Clock ; that Cather then said, he had been up late, concerning an Affair that he wanted to speak to him about, as he always took him to be a sincere Friend ; that Cather got up, and they went and drank together, and that Cain was there, and in Company, but that he was not acquainted with Cain before ; that he told Cather, that if he had any Thing to say to him, it would be the best Way to take a Walk and be alone, when Cather replied, what he was going to say to him, that Man, meaning Cain, was no Stranger to, for that was his particular Friend. Mr. White then asked,

what it was he had to say? Cather then said, that he had been ill-treated by a Gentleman, for which he intended to sue him at Law, and that he had employed a Lawyer in the Affair, whom he was afraid would not do him justice; that he had been with him the last Night, and found that he intended to compromise the Matter, and fear'd he would not let him know what Money he got, or give him any, if he got ever so much, when he, Cather, was sure there would be a Thousand or two given to make it up.

Mr. White said, he was very sorry he had not known it before; for that he knew a Gentleman of the Law, that was very honest, that he had great Interest with, and was sure would do any Thing for him without any Money, or for his Friend; Cather replied, that was such a Man as he wanted; and if he now could meet with him, he should put the Affair into his Hands. White said, he was a very eminent Man, and well versed in the Law, that if he pleased, he would speak to him for him, if he would let him know what the Affair was; that then Cather and Cain spoke together, when he supposes they were consulting whether they should communicate the Affair to him, which Cather directly after did, by asking him, if he knew Mr. Walpole; White said, he did not; then Cather said, that his Suit was against the Honourable Edward Walpole; then says White, I suppose he is a rich Man; yes, says Cather, and if the Affair be properly conducted, we shall have Money enough; and if you will be true, and your Friend the Lawyer, it will be a good Thing; that then he, White, reply'd, I want Money, and let the Affair be what it will, you shall have my Assistance, and my Friend's too, and he has Money enough. Cather then told him, that if he would promise Secrecy, they would tell him the Whole; whereupon, White promised Cather and Cain to be secret and true: Cather then said, that he came from Ireland on the Promises of Mr. Walpole's providing for him in London, but that he had refused doing any Thing for him, and used him ill in forbidding him his House; that he was resolved to be revenged of him; and if he would not prefer him otherwise, he should by letting him have some of his Money; that he had accused Mr. Walpole with an Attempt of committing Sodomy with him the said Cather; and that he was sure he would sooner part with any Sum than be exposed; but all he feared was, that those whom he had already employed would cheat him, and compromise the Affair: Upon this, White told him, he need not fear that;

for

for it could not be compromised without him, and that he was the Person that must sign any Article they could enter into with Mr. Walpole, otherwise it would be of no Effect; and told him farther, that he would make it his Business to find out his Friend the Counsellor, and consult him what Step was proper to be taken, but that if they had Success, he would expect to be well paid.

Cather and Cain then said, there was but one or two more that should be concerned; and that if he would get his Friend the Lawyer to do what was necessary, and to advance any Money they should want to carry it on, he, the said White, should have an equal Share with either of themselves, which he promised to do.

That after this, he left them, and went in Quest of Mr. Worsdale, whom he soon found, and told him what had passed between Cather, Cain and himself; that thereupon Mr. Worsdale and he agreed to meet at Cuper's-Gardens, where Mr. Worsdale was to go for a Counsellor, and White was to bring Cather and Cain with him; that he went the next Evening and met Cather and Cain, and told them, he had been to the Counsellor's Chambers, but could not meet with him 'till next Morning, and then asked them, how they intended to spend the Evening, and if they would go to see the Diversions at Cuper's-Gardens; Cather said he could not go, for that those Fellows whom he had employed kept him so poor, that he had not a Shilling in his Pocket: Whereupon, this Deponent told him, he need not mind that, if he would go, it should be no Expence to him, that he would stand Treat; so they all consented to go, and took Boat directly.

When they came to Cuper's-Gardens, they met Mr. Worsdale, White's supposed Counsellor; and White introduced him to them by the Name of Counsellor Johnson, and told the Counsellor he had been at his Chambers to enquire for him; that he was glad he chanced to meet him there, as a Person was then with him that he wanted to recommend to his Care in a Law-Suit; so introduced Cather, telling the Counsellor he was an intimate Friend and Acquaintance of his, and desired he would assist him, which the Counsellor promised to do on Mr. White's Account. White told the Counsellor his Acquaintance had not a great deal of Money, but if any was wanting to carry on the Cause, he hoped he would not let him or his Cause fail for a small Matter. The Counsellor replied, he was surprized Mr. White should think it necessary to mention any Thing

of that Sort, as he had upon all Occasions taken Care of Mr. White's Friends, and a Recommendation from him was sufficient, if the Cause was put into his Hands ; that they sat down and drank together, and the supposed Counsellor asked Cather the Nature of his Case, and who it was that he had a Law-suit with : Cather told him, it was with a great Man, and one that had Money enough : The Counsellor then said, he liked to take the Part of the Poor against the Rich ; that if he was injured, it was well that he had a rich Man to deal with ; and that he, the said Counsellor, said, he liked to sue such as were able to pay. That Cather then said, it was the Honourable Edward Walpole he had a Dispute with ; that he had encouraged him to come from Ireland, by promising to get him Preferment in England, but now refused to do any Thing for him ; and that he had grossly affronted him in forbidding him his House, but that he had worse than that to accuse him with, which was, that he attempted to commit Sodomy with him.

This Deponent further said, That Mr. Worsdale then swore, that he would make him pay for it ; that all he had said of him was very bad ; and that the Counsellor laid great Stres on the Affront put upon him, by forbidding him his House ; however, he would see him righted. That after this Conversation, they took Boat, and came over the Water together ; that Cather desired he might see White as soon as possible ; that Mr. Worsdale, the supposed Counsellor, and Cain, had some Talk together in the Boat, that in a Day or two after, he met Patterson and some others, and that Patterson asked him, what he had done to Cather, and told him, Cather had swore his Life against him. White seemed surprized at this News, and said, he never had done any Thing to Cather that might cause him so to do : They assured him it was so, on which he went in Quest of Cather ; and when he found him, he taxed him with what he was told, and Cather at first denied it ; but when White told him his Authors, he confessed he was prevailed on by Patterson to go to Justice Fielding's to swear it, as they had supposed he was the Author of his putting his Cause in other Hands ; but said, when they came to Justice Fielding's, there was a Person there that they did not like to see, so they went away without his swearing any Thing against him the said White at that Time.

Mr. Brownsmit, being sworn, deposed, that when he heard of Cather's being taken up, on a Warrant for a Conspiracy against the Hon. Edward Walpole, he went to him

to an Officer's House in Chancery-Lane ; and being formerly acquainted with him, they having lodged together at the Horse and Groom in Maiden-Lane, near Covent-Garden, Cather ask'd his Advice, what was best for him to do in his present Circumstance ; that he told him his best Way would be to confess the Truth, which he said he would readily do, if that would relieve him ; that then he told him he could not expect to be relieved, till he first had confessed, and that then he would be intitled to some Clemency from Mr. Walpole. He also advised him to write a Confession, which Cather readily consented to, and accordingly wrote an Account, in which he set forth, that what he had accused Mr. Walpole with, was intirely false and groundless, and that he was advised thereto by Cain and Patterson.

This Confession being produced and read in Court, this Witness said, that it was of Cather's writing, that he himself had witnessed it, and that it was voluntarily done by Cather in his Presence ; that Cather, in the same House, and at the same Time, wrote a Letter to Mr. Walpole, begging Pardon for all he had done against him, and imploring Mercy. This Letter was read in Court also, and Mr. Brownsmit, swore that Cather wrote it, and sent it by him to Mr. Walpole.

This Deponent further said, that he was in Westminster-Hall the 5th Day of July, 1750, in Company with Cather, that being the Day Mr. Walpole's Trial came on at the Prosecution of Cather ; that he advised Cather at that Time to appear to prosecute Mr. Walpole, if he had Justice on his Side, but that as soon as the Tryal came on, Cather left the Hall, being afraid to appear.

There were more Witnesses ready to appear, to prove the Charge laid in the Indictment against the several Defendants, Alexander, Cather and Cain ; but the Council for the Prosecution, here rested their Proofs against those three, and proceeded to call the following Persons to support the Charge against Nixon, the other Defendant.

Mr. Robert Bygrave, was then called a second Time and sworn, when he produced a Note, which he said he had from Adam Nixon, the Purport of which was, that if he intended to defend the Cause of Mr. Edward Walpole, wherein Cather was Prosecutor, any Notice he had Occasion to serve in that Cause might be directed to him the said Nixon, at his Lodgings at Mrs. Palmer's, next Door to the Iron-Gates, Warwick-Court, Holbourn, and such Notice, so sent, should be deemed a sufficient Service, by

which he looked upon it, that Adam Nixon was concerned as a Solicitor in carrying on the Prosecution in the Cause of John Cather, against Mr. Walpole ; that he often had seen Nixon during the Time that Prosecution was carrying on, and always looked upon Nixon to be concerned in soliciting and carrying on the said Prosecution, he never having said any Thing to him to the contrary till Patterson was taken up ; after which Time he denied being concerned.

Mr. Bygrave was asked by the Council for Nixon, if he had ever served any Notices on Nixon in that Cause ; he said yes, he had sent Notices to his Lodgings as directed by him ; and that Nixon refus'd accepting them ; but that it was after Patterson was in Custody.

The Notice that Nixon had given to Mr. Bygrave was now produced, and Mr. William Salt was called and sworn, who proved it to be Nixon's Hand-writing.

Mr. Salt being asked by Nixon's Council to his Character, said, that he had formerly lived with him as a Clerk about eleven Months, at 12s. per Week, and that he was honest then, and that he knew of no Dishonesty by him ; but that he was not so regular as he should have been to the Office Business.

Mr. William Keate being sworn, deposed, that in the Week before April Sessions was Twelvemonths, he had some Business at the Clerk of the Peace's Office in Lincoln's-Inn, where Adam Nixon was standing at the Desk, and giving Instructions for an Indictment against an anonymous Person, for an Assault with an Intent to commit Buggery ; that there was another Person with Nixon at that Time in the said Office, whom he believed to be Cather ; and being asked if he knew Cather, he said he did not at that Time, but had often seen him since, and believed Cather to be the same Person who was with Nixon at that Time.

Mr. Keate being then asked if he knew Nixon, he said he did, and that he had often seen him at Hicks's-Hall, and the Old-Bailey, when he lived with Mr. Salt. He was asked also in what Character he appeared at those Places. Mr. Keate said that he had the Appearance of a military Man ; that he wore his own Hair tied up, and that he believed he had been in the Army. He was likewise asked, how he knew that Bill of Indictment that he saw Nixon give Instructions for, was the same with that which was found against Mr. Walpole : He said that the Bill he saw Nixon giving Instructions for was for Buggery ; that Cather was mentioned

mentioned in it as the Prosecutor ; and that he soon after heard that Mr. Walpole was indicted for that Crime, and that Cather was the Prosecutor named in that Indictment ; therefore he concluded that that was the Bill which he had seen Nixon giving Directions for, with the Blank to be left for the Name.

Anne Faulkner being sworn, deposed, that at the Time Patterson broke out of Clerkenwell-Bridewell, he came to her Room, and continued there for some Time. Being asked how long, she said for two or three Weeks. She was then asked, whether he was there in a concealed or publick Manner ; she said in a private Manner. Being asked who besides herself knew of his being there, she said, the Defendant Nixon, and that he used to come to Patterson to her Room ; and that at one Time, when there, he gave Patterson a Guinea ; that the said Nixon charged her not to let any Body know that Patterson was there ; for if thro' her Patterson was discovered, she should be very ill treated ; that Mr. Nixon at other Times collected Money for Patterson, and that he the said Nixon had sent Patterson forty Shillings more, which he the said Nixon told her he had collected for Patterson.

The Council for the Prosecution having done with this Witness, she was asked by Nixon's Council, if she knew one Mr. ORoark, and if she had ever lived with him ; to which she replied, that she had had the Misfortune to be acquainted with him, and had lived with him two or three Days.

Mr. Alexander's Council called Mr. Bennet, Mr. Norton, Mr. Sloper and Mr. Cronwall, Attornies, to his Character, who all gave him a very good one.

Then the Council for Nixon, called the following Persons to his Character.

Mr. Gilbert Douglass call'd and sworn.

Council. Mr. Douglass, what are you ?

Douglass. I am a Sollicitor at the House of Commons.

Council. How long have you known the Defendant Adam Nixon ?

Doug. I have known Mr. Nixon four or five Years ; he has been my Clerk some Times when I had Occasion for an extraordinary Hand in my Business ; I have employed Mr. Nixon, who always discharged his Duty honestly in every Respect, and I always esteemed him as a very honest young Man, nor do I believe he would be guilty of so black a Crime as laid now to his Charge.

Mr. Joseph Grove being sworn, said, that he had known Mr. Nixon for five or six Years ; that he had served him as a Clerk at different Times, particularly ten or eleven Months at one Time ; and he was faithful, careful, and honest, and that he never looked upon him to be a Person that would be guilty of an infamous and dishonourable Act. Mr. Grove farther said, that he had so great a Regard for the Walpole Family, that if he had imagined that Mr. Nixon had been concerned in so black a Cause, or capable of being a Conspirator, he should not have appeared for him ; and that he verily believed he would not be guilty of doing a dishonest Act.

Mr. Rayner being sworn, confirmed Mr. Grove's Evidence, as to Mr. Nixon's living with him as his Clerk.

Mr. Keene being sworn, said, he had known Mr. Nixon three or four Years ; that he behaved always well, as became a Gentleman, and that he never knew, or heard of any dishonest or dishonourable Act by him.

Mr. John Sherwood was also call'd, who gave Mr. Nixon the Character of an honest Man ; and said, he never heard him charged with any Thing bad before this Affair.

Mr. Stowe and Mr. Benny, who were of Counsel for the Defendant Alexander, observed in general, that he could not be guilty of this Offence, it not appearing he was ever in Company with any of the other Defendants, or knew them ; and took Notice of a Mistake in the second Count of the Indictment, in the Name of Cather, as it was spelt there Ceather, and in all the other Parts of the Record Cather, therefore the Defendant ought to be acquitted of the Indictment. But this was over-ruled by the Court, who informed them, that it was proper to be insisted on another Day.

Mr. Clayton and Mr. Whitaker, who were Counsel for the Defendant Nixon, submitted to the Court whether he did not appear innocent, as to the Charge against him ; and said he must be so deemed, both in the Eyes of the Law, as well as the whole World, it not in the least appearing that Mr. Nixon had ever been concerned with the other Defendants, or that he was ever at any of their Meetings ; that it did not appear in Evidence that ever he was acquainted with any of the Defendants, nor that he ever applied to Mr. Walpole, or attended him upon any Occasion whatsoever ; that Mr. Walpole had declared he knew him not ; that none of the Witnesses for the Prosecution ever attempted to say they knew Nixon, but that he was an intire Stranger.

Stranger to them, and that none of the Witnesses spoke any Thing to affect him, but Mr. Bygrave, Mr. Keate and Ann Faulkner, whose Evidences they thought were not sufficient to convict the Defendant of this Conspiracy.

The Council for the Prosecution, by Way of Reply, said, that as to Cather, Cain and Alexander, they believed the Court had no Doubt of their being Guilty of the Conspiracy, as Cather had confessed it both by his Confession, when in the Officer's House, as well as by his Letters from the Prison to Mr. Walpole; and that Cain had confessed to Mr. Worsdale the Conspiracy, and also that it was of his own Invention; his being in Company with Cather, when they promised White a Dividend of the Money they expected to get from Mr. Walpole, shewed, beyond all doubt, that he was concerned and assisted in the Conspiracy; and though the Plot was laid by Patterson, Cain and others, yet as Alexander was the Person to put it in Execution, he must be a Party in the same, tho' not proved to be in their Company, and it was evident he was one of the chief Managers of it by his Letters.

They likewise took Notice, that Alexander, in his Letters to Mr. Walpole, wanted Preferment, and they now thought he was in a very fair way of getting it: That his owning Patterson's inditing the Letter, and his saying that Patterson had Conversation with him about getting some Money from Mr. Walpole, was sufficient to convict him of being one of the chief of the Conspirators. As to Nixon, they said they had a few Words to say to him, which they hoped Nixon nor his Council did not think they had forgot; which were, that it appeared on Evidence very plain, that Nixon was at the Clerk of the Peace's Office giving Instructions for a Bill of Indictment, with a Blank left for the Name, which was not usual, and was never done without some bad Intention; that Nixon had succoured Patterson whilst at Faulkner's Room, after his Escape from Bridewell; and also threatned the Woman if she should discover his being there; that he had given Notice to Mr. Bygrave, as Solicitor in the Cause; all which Transactions were the strongest Circumstances of his being concerned in the Conspiracy; however he would submit it to the Court and the Jury, if they thought these Circumstances, and what they had heard alledged against him, were not sufficient to find him Guilty of the Crime.

The Judge having summed up the Evidence, and read over all the Letters and other Papers that were produced in the

the Behalf of the Prosecution, and remarked to the Jury the Danger of letting such Crimes go unpunished : as also every Particular that appeared on the Evidence, and how far it affected each of the Parties indicted, with this Observation, that tho' Proofs were not so plain or home against Nixon, as against the other Defendants, yet it appeared to his Lordship, that he was concerned in that Conspiracy from the Beginning. Whereupon the Jury consulted together ; and being agreed in their Verdict, they found them all Four guilty of the Indictment.

Having now given our READER this remarkable TRIAL, we now proceed in the Narration of some other Crimes more wicked than have appeared in the Course of the Trial, being such Things as could not be brought out by the Evidence ; as Patterson, to whom they chiefly related, was not try'd, he having made his Escape out of Custody.

It will be proper to observe here, that Walter Patterson, who was the first Adviser, with Patrick Cain, in this wicked Scene, finding that Mr. Walpole stood out, and would not come down, as he termed it, he communicated a Scheme he then had just fresh in his fruitful Brain for Villany, to one William Smith, since executed at Tyburn for Forgery.

Patterson informs Mr. Smith, that he had got a Scheme to propose, by which he and Patterson might get some Money out of Mr. Walpole, but that it must be executed by Smith, as Mr. Walpole knew him. Smith desiring him to explain ; he proposed, that they should get a Bond, and fill it up, payable to one George Sandys, from Walter Patterson for 150 l. and put any fictitious Names as subscribing Witnesses thereto ; that then Smith should go to Mr. Walpole, and inveigh against Patterson, as being a sorry Fellow, and that he ow'd him 150 l. and if Mr. Walpole would give Mr. Smith a Sum of Money for the Bond, he should assign it over to Mr. Walpole, and then he might put the same in Suit against Mr. Patterson.

This was no sooner proposed to Smith, than approved of, and the Bond was immediately made ; and according to Patterson's Directions, was dated three Months before he came from Ireland.

The 5th of June, Smith sets out in a one Horse Chair for Mr. Walpole's Country-house at Frogmore, near Windsor. It happened to be a Day that Mr. Walpole's Servants were all out, except his own Man that attended on him. Smith alighted from his Chair near Mr. Walpole's House, and went to the Door, and enquired if Mr. Walpole was

at Home ; the Servant informing him that he was, Smith desired to speak with him. Mr. Walpole not willing to admit a Stranger into his Company alone, as the wicked Conspiracy of Cather and his Gang was on Foot, sent out to know his Busnels, when Smith sent him in Word, that it was a Matter of Moment which nearly related to Mr. Walpole ; whereupon Mr. Walpole ordered his Servant to let him come in, and told him to stay in the Room. As soon as Mr. Smith was admitted, he told Mr. Walpole, that he was informed, that there was a most dangerous and wicked Prosecution then carrying on against him, and that one Walter Patterson owed him 150 l. besides Interest, on a Bond ; which, if Mr. Walpole pleased, he would assign over, on Condition Mr. Walpole would let him have a Sum of Money, as he had at present a pressing Occasion. And also added, that as Patterson was but poor, if Mr. Walpole put the Bond in Suit against Patterson, it would inevitably disable Patterson from prosecuting the Cause of Cather, or at least of being able to get Bail for so large a Sum, and therefore must lie in Goal.

Mr. Walpole, on hearing this, imagining it some Trick, and that this Fellow was one of the Villains, concerned in Cather's Conspiracy, immediately collared him, and ordered his Man to go and lock them both up in the House and call a Constable. Such Resolution might have had fatal Effects, for it is reasonable to imagine a Man who came upon so desperate an Affair might have had Fire Arms concealed ; but happily for Mr. Walpole he had no Weapon but a Whip, which was very heavy in the Handle, with which he endeavoured to knock Mr. Walpole down ; however Mr. Walpole got hold of a large Stick that stood in the Entry, and fell'd Smith down ; and he getting up again, was running to his Chair, but Mr. Walpole fell'd him a second Time, and then Mr. Walpole's Servant and Assistance came, and he was secured, and carried before the Mayor of Windsor.

On his Examination, being asked what he was he was, he said a Gentleman, and that his Name was George Sandys ; (the Bond being in that Name) and that he lived with his Father Richard Sandys, Esq; at Andover, in Hampshire. He was then asked who lived in the Town of Andover ; he made Excuse that he did not particularly know ; and being asked whether it was a Corporation or not, and if it sent any Members to Parliament, and if it did, who they were, and many other such interesting Questions ; to all which he

he could give no Satisfactory Answer, upon which he was ordered to be detained in Custody till an Enquiry could be made, for a further Examination.

It was soon known that there was no such Person as Richard Sandys, Esq; at Andover, nor any such as one George Sandys, either there or in that Country, and then he was committed to Reading Goal, for publishing a forged Bond, in order to extort Money from Mr. Walpole.

Mr. Smith being soon after his Commitment charged with another Forgery, he was removed by Habeas Corpus to London, where he made his Exit justly at Tyburn.

But now to return to Patterson. Mr. Walpole coming to London, and informing Mr. Worsdale, and the other Persons who were concerned for him in sifting into the Bottom of the Conspiracy, Mr. Worsdale (who then went under the Denomination of Counsellor Johnson, and who was, as has already appeared on the Trial, acquainted with Patterson) goes forthwith to Patterson, under Pretence of consulting how to prepare for carrying on Cather's Prosecution against Mr. Walpole; when, as soon as Patterson saw him, he told the suppos'd Counsellor, that an unhappy Accident had happened, which he was afraid would frustrate all their Scheme. Upon this, Mr. Worsdale began to swear, and say, that if they went on without consulting him in every Thing, he would have nothing to do farther in the Affair; but Patterson begg'd of him to be patient, and promised he would for the Future not stir one Step without his Assistance and Advice.

Mr. Worsdale then seeming a little pacified, ask'd him what Mischance it was that had happened; when he, Patterson, inform'd him of the Affair of Mr. Smith, and the forged Bond, in the Manner as is before related. Then Mr. Worsdale asking him what he intended, or expected from the Bond? Why says Patterson, the Bond was dated three Months before I came to England, and there was no such Person as George Sandys, to whom it was made payable, at the Place Smith was to say he liy'd; nor any such Person to be found as were the subscribing Witnesses; therefore if Mr. Walpole had swallowed the Bait, and brought an Action against me for the Bond, I should have proved by undoubted Witnesses that I was in Ireland when the Bond was dated, and that it was not my Hand-writing; and he not being able to produce the Person he had the Bond from, Smith being to have gone Abroad in a few Days after, I should have had my Advantage upon him for publishing

publishing a forged Bond; by which Means he must have come down to me to have stifled the Affair, lest the World should think him guilty of both Crimes.

Mr. Worsdale, after hearing this, adjourned, and appointed another Meeting, to consult what should be done to extricate Smith out of his Confinement; then went to Mr. Walpole and told him how the villainous Scheme was laid; on which they apply'd to Justice Fielding, who granted a Warrant against Patterson, on the Oaths of Mr. John Sherwood, and Mr. James Worsdale, and on the 14th of the same Month of June, 1750, Patterson was apprehended in Somerset-House Gardens, as is related in the Trial, and committed to Clerkenwell-Bridewell, as a Rogue and a Vagabond.

Mr. Patterson's being in Custody gave a terrible Shock to the whole Gang. His Behaviour in Goal was very much of the Gentleman, notwithstanding his Commitment was upon the Vagrant Act; and he had a Room in the Keeper's Apartments, where a great many of his Countrymen came to see him. Here he continued without any Thing material happening till the next Session was held at Hicks's-Hall, when he was brought up to that Court; the Particulars of what past there will best appear from the following Order, then and there made.

Middlesex, } **A**T the general Quarter Session of the
to wit, } **A** Peace of our Sovereign Lord the King,
begun and holden for the County of Middlesex, at
Hicks's-Hall, in St. John Street in the County aforesaid,
on Monday the Ninth Day of July; and also holden
there by Adjournment on Saturday the Fourteenth Day
of the same Month of July, in the Twenty-fourth Year
of the Reign of our Sovereign Lord George the Second,
King of Great Britain, &c.

House of Correction.

WALTER PATTERSON being brought before this Court by the Keeper of the House of Correction at Clerkenwell, in this County, on this 14th Day of July Instant, he having been committed hither by H. Fielding, Esq, one of his Majesty's Justices of the Peace for the said County, on the Oaths of John Sherwood and James Worsdale, for being a Rogue and a Vagabond, using a certain subtle Craft to deceive and impose upon one of his Majesty's Subjects, to wit, Edward Walpole, Esq; and cunningly devising to charge him with having committed the Crime of Forgery. Now upon hearing what was alledged

ledged by Council for the said Edward Walpole, Esq; (the said Walter Patterson being now present in Court) it was alledged that the said Walter Patterson was, and is a very wicked and infamous Person; and had not only accused the said Edward Walpole of having attempted to commit a detestable Crime not fit to be named amongst Christians, of which the said Edward Walpole was by a Jury of the Country acquitted, but had also a Design to charge him with the felonious Crime of Forgery, in order to take away his Life. And it was farther alledged, and appeareth to this Court, by the Examination of the said Walter Patterson, taken upon his Oath, that he was born at the Parish of Kilmacrannin, in the County of Donegal, in the Kingdom of Ireland, and that he hath not obtained any legal Settlement in England; and that upon the Examinations of several other Persons upon Oath, this Court is of Opinion, that the said Walter Patterson hath cunningly devised to charge the said Edward Walpole with having forged a Writing, purporting to be a Writing obligatory, under the Hand and Seal of the said Walter Patterson, to a Person, calling himself George Sandys, for one Hundred and Fifty Pounds; and that the said Walter Patterson in so doing hath used subtle Craft to deceive and impose upon the said Edward Walpole, being one of his Majesty's Subjects. And this Court doth thereupon deem and adjudge the said Walter Patterson (he not disproving any of the Matters aforesaid) a Rogue and a Vagabond, within the true Intent and Meaning of an Act of Parliament, made in the seventeenth Year of the Reign of his present Majesty, intituled " An Act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and other idle and disorderly Persons, and to Houses of Correction." Whereupon it is considered and ordered by this Court, that the said Walter Patterson be, and he is committed to the House of Correction at Clerkenwell in this County, there to be kept to hard Labour for the Term of six Months now next ensuing; and that within the first Month of the said Term, he be stripped naked from the Middle upwards, and publickly whipp'd at a Cart's Tail, until his Body be bloody, round Hanover-Square, between the Hours of Ten in the Forenoon and Twelve at Noon, on such Day as the Sheriff of the said County shall appoint within the said first Month; and that before the End of two Months next ensuing the End of the said one Month, the said Walter Patterson be also stripped naked from the Middle upwards, and publickly

ly whipped at a Cart's Tail, until his Body be bloody, the Length of a publick Street, called the Pall-Mall, between the same Hours, on such Day as the Sheriff shall appoint before the End of the said two Months, and that before the End of the two Months then next ensuing, the said Walter Patterson be also again stripped naked from the Middle upwards, and publickly whipped at a Cart's Tail until his Body be bloody, round Covent-Garden Market, between the same Hours, on such Day as the Sheriff shall appoint before the End of the said last two Months. And it is further ordered by this Court, that the Keeper of the said House of Correction, do at the Sessions of the Peace to be holden for this County next before the End of the said six Months, bring the said Walter Patterson before his Majesty's Justices of the Peace of this County to be there assembled, in order to be passed and conveyed to the Place of his legal Settlement.

By the Court

W A L L E R.

The following is the Method of his Escape which he made from Bridewell the 26th of the same Month. He having observed a Ladder in the Kitchen of the Keeper's House, he procured a new Rope, by what Means, is not known, and let himself down out of the Chamber-Window into the Prison-yard ; and taking a Pane of Glass out of the Kitchen-Window, got his Hand in, and turned the Hasp, and then opened the Window, and got into the Kitchen where the Ladder was, and got it out through the same Window, into the Yard, by the Help of which he got over the Wall into a little Garden, which is walled round, and within the Walls of the Prison.

After he had got into the Garden, he tied one End of the Rope to the Corner-Post of a Shed that stands in the Middle of the Garden, and flung the other End over the Wall of the Prison, which is eighteen Feet high ; then finding his Ladder too short to reach the Top of the Wall, he got Flower-Pots, of which he made a Kind of Structure or Heap, so fix'd the Ladder on the Top of them, by which Means he ascended to the Top of the Wall, and by the Rope, let himself down into the Yard of the Quaker's Workhouse : Yet he was still inclosed by Houses and strongs Walls, so that he could not get farther ; but it being the Night the Cloaths of the Poor in that Workhouse were washing, about thirteen Women were then there at Work, one of which had Occasion to go into the Yard, where she espied him, and called to some others of them, saying, here is a Man in the Yard ; Patterson then spoke

to the Woman, and begg'd she would not make any Noise. The Woman asked how he came there, the Gate and Doors being fast, when he told her, he had been drunk, and fallen asleep under the Gateway ; that he supposed the Person who locked the Gate did not see him, he being asleep ; so that he had been there all Night, and then he went in with her to the Apartment, where they were at their Work, and sat down. After he had sat a little while, one of the Women said, he had broke out of Bridewell, and she would call Nathan, their Porter. He desired she would not, that he would stay with them till it was Day, and seemed to be surprised when she spoke of Bridewell, saying, he did not know where Bridewell was, and asked, if it was there, pointing the contrary Way. They asked, how he came to get so drunk, as not to know where he was ? He told them, he was newly married, and that being out, he unexpectedly met with some Acquaintance, who had detained him, and obliged him to drink too much ; that he attempted to go Home to Covent-Garden, and had lost his Way, but what gave him most Concern was, the Uneasiness his Wife would be in for his Absence, which he greatly feared would frighten her. However, he would stay till Daylight, and desired they would let him sit till then, which was above two Hours. One of the Women, being concerned for the Trouble this new-married Wife must be in, as she supposed, advised him to go Home directly, saying, that perhaps his Wife sat up for him ; he said, he id not doubt but she did, but that he would not give his Wife any Uneasiness for the future, for he never would stay out again, and then enquired what Part of the Town he was then in ; they then informed him where he was, and if his Wife pleased to call there, she should be informed of the Truth of this Accident ; and one of them went to the Porter Nathan, who was then in Bed, and got the Key, under Pretence of going for some Drink, so let him into the Street, for which Piece of Civility he gave her Half a Crown. The Woman refused taking so much, saying, that she required only a small Matter to buy a Dram ; but he insisted that she should take it, saying, that he had no smaller Change about him.

After this Escape, he went to the Lodgings of one Faulkner, where he was for some Time secreted, during which Time, Mr. Wallbank spared no Pains in searching after him, both by going personally in quest of him, and offering a large Reward by Advertisement.

Patterson having some Cloaths in pawn, Anne Faulkner, Wife of the Person before-named, was sent to redeem them. The Pawnbroker knowing those Cloaths to be the Property of Patterson, he sent to see where the Woman went, and by that Means found where Faulkner lodged ; and supposing that Patterson was there, sent to Mr. Wallbank to inform him thereof, who came that Night with proper Assistants, but found only Faulkner and his Wife in Bed ; however, he took them both with him, they refusing to him tell any Thing about Patterson, and the next Day carried them before Justice Fielding, who committed them both to Bridewell, where Faulkner, soon after was taken ill, and the Sessions coming on at Hicks's-Hall, the Wife, Ann Faulkner, was discharged, and he referred to Justice Fielding, who remitted him back to Bridewell, where he continuing so ill, that his Life was despaired of, tho' it was certainly known that he was one concerned in the Conspiracy against Mr. Walpole; yet he was released from his Confinement, and soon after died.

There was another of this wicked Gang, namely Denison, who died raving mad ; Smith was hanged, and Patterson ran away.

Mr. Walpole having now, thro' the Activity of Mr. Worsdale, and the other Persons he had employed, come at the Bottom of the whole Affair, (not only as to the Attempt of the Assault on Cather, but of the Intention to draw him in to be the Publisher of a forged Bond) obtained the Lord Chief Justice's Warrant against John Cather, Patrick Cain, otherwise Kane, David Alexander, and Adam Nixon.

Cather was taken at the Vine Tavern in Long-Acre, (being decoy'd there by his old Friend and Acquaintance Mr. Andrew White) by Mr. Richard Elston, one of the Judge's Tipstaffs, and after being kept some Time at an Officer's House in Chancery-Lane, was committed to the King's-Bench Prison, where he still remains. Cain was taken in Southwark, coming out of the King's Bench Prison, and brought over the Water, and carried before Justice Fielding, who committed him to the Gatehouse, where he still remains. Nixon being taken at the Mitre, in Chancery-Lane, was, after some Days confinement, admitted to Bail, himself in a Recognizance of 400 l. and two Sureties of 200 l. each ; upon which Bail he is still at Liberty. And Alexander hearing the Warrant was out against him, gave Notice of Bail, and accordingly entered into a Recogni-
C zance,

zance, the same as Mr. Nixon's ; but his Bail surrending him in Court the Day of Trial, the Court committed him to the King's Bench Prison, where he once more has an Opportunity of consulting his old particular Friend Cather.

John Carr, who was lately executed at Tyburn for Forgery, was very strongly suspected of being one of the Gang ; but as he never had appeared publickly in the Affair, we cannot say any Thing particularly of him.

Patterson, since his Escape from Bridewell, was apprehended in Dublin, and committed to Newgate there ; but before Intelligence could reach here, and a Person get there to charge him as the identical Man, he was discharged, and so escap'd again the Hand of Justice for a Time, which we hope will not be long e'er he is brought, with the rest of his wicked Companions, to an adequate Punishment, in this World; if it be possible, for their Demerits.

Before I conclude this Account, I cannot help informing the Publick of another Piece of Iniquity, which we assure them is Truth, intended by Cather, Cain, Faulkner, Dennison, Patterson, and some others of them, and whieh they inform'd Mr. Worsdale of, when he was Counsellor Johnson ; and that was, that when they had (tho' God be praised they did not) succeed to get Money out of Mr. Walpole, they would go upon the same Lay, as they term'd it, with the old Doctors of Physick, Surgeons, and Men-Midwives.

The next Term the several Persons convicted are to be brought into the Court of King's-Bench, to receive Judgment of the Court.

An examined Copy of the Record in the remarkable Prosecution against John Cather, Walter Patterson, Adam Nixon, David Alexander, and Patrick Cain, otherwise Kane, for a Conspiracy, in endeavouring to extort Money from the Honourable EDWARD WALPOLE, Esq; under Pretence of his having attempted to commit Buggery on the Body of John Cather; the same having been settled by some of the most eminent Gentlemen of the Law; and which was tried the 5th of July, 1751, at the Sittings of Nisi Prius in the Court of King's-Bench, in Westminster-Hall.

PLEAS before our Lord the King, at Westminster, of Hilary Term, in the Twenty-fourth Year of the Reign of our present Sovereign Lord GEORGE the Second, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c.

Amongst the Pleas of the King's Roll.

Middlesex. { **S**OME Time ago (that is to say) on Wednesday next after fifteen Days from the Day of St. Michael, in the Twenty-fourth Year of the Reign of our Sovereign Lord George the Second, King of Great Britain, &c. in the Court of our Lord the King, before the King himself at Westminster, in the County of Middlesex, upon the Oath of twelve Jurors, good and lawful Men of the said County, then and there sworn, and charged to inquire, for our said Lord the King, for the Body of the said County, it was presented as followeth: (that is to say) Middlesex to wit. The Jurors for our Lord the King, upon their Oath present, That John Cather, late of the Parish of Saint Sepulchre, in the County of Middlesex, Gent. Walter Patterson, late of the same Place Gent. Adam Nixon, late of the same Place, Gent. Daniel Alexander, late of the same Place, Gent. and Patrick Cain, otherwise Kane, of the same Place, Labourer, being Persons of ill Name, Fame, and Reputation, and combining, contriving, conspiring, intending, and designing, not only to deprive the Honourable Edward Walpole, Esquire, of his good Name, Fame, and Reputation; but also wickedly, maliciously, falsely, and unjustly, to charge and accuse the said Edward, with making, with Force and Arms, an Assault on the said John, and beating, wounding, and ill-treating him, so that of his Life it was greatly despised, with an Intent, feloniously, and against the Order of Nature, to commit that detestable

and sodomitical Sin, (not to be named among Christians) commonly called Buggery, with him the said John, and with making, with Force and Arms, another Assault on the said John, and beating, wounding, and ill treating him, so that of his Life it was greatly despaired, and to subject the said Edward to such Punishment as by the Law of this Realm Persons guilty of such Trespasses, Assaults, and Misdemeanours as aforesaid, are subject and liable to, and with an Intent and Design, unlawfully, and unjustly to obtain and procure Money to themselves, from the said Edward, they, the said John, Walter, Adam, Daniel, and Patrick, in Pursuance and Prosecution of the said Combination, Contrivance, Conspiracy, Intention, Design, and Purpose, did, on the Twenty-fourth Day of April, in the Twenty-third Year of the Reign of our Sovereign Lord George the Second, now King of Great Britain, &c. at the Parish of Saint Sepulchre, in the County aforesaid, wickedly, maliciously, and unjustly, combine, conspire, contrive, and agree together, that he the said John, should then, and there, at the General Quarter Sessions of the Peace of our said Sovereign Lord the King, then and there holden by Adjournment from the Twenty-third Day of the said Month of April, before Thomas Lane, Luke Robinson, Samuel Clark, Peter Elers, Esquires, and others their Fellows, then Justices of our said Lord the King, assigned to keep the Peace of the said Lord the King, in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other Misdeeds, committed in the same County, prefer and exhibit unto and before the Jurors of the Grand Inquest, then and there sworn, and charged to inquire for our said Lord the King, for the Body of the said County, a certain Bill of Indictment against the said Edward, for making, with Force and Arms, an Assault upon him the said John, and beating, wounding, and ill treating him, so that of his Life it was greatly despaired, with an Intent, feloniously, and against the Order of Nature to commit the said detestable and sodomitical Sin (not to be named among Christians) commonly called Buggery, with him the said John, and for making, with Force and Arms, another Assault on him the said John, and beating, wounding, and ill treating him, so that of his Life it was greatly despaired, altho' they, the said John, Walter, Adam, Daniel, and Patrick, very well knew, that he the said Edward, had never made any Assault whatsoever, on the said John, with any such felonious Intent as aforesaid, or otherwise howsoever, or ever beat, wounded or ill treated him.

And

And the aforesaid present Jurors for our said Lord the King, upon their said Oath, do further present, That the said John, in further Pursuance and Prosecution of the aforesaid wicked, malicious, and unjust Combination, Conspiracy, Contrivance, and Agreement between him, and the said Walter, Adam, Daniel, and Patrick, did, according thereto, at the aforesaid General Quarter Sessions of the Peace of our said Lord the King, holden by Adjournment at Hick's-Hall, in Saint John Street, in the County aforesaid on the said Twenty-fourth Day of April, in the Year aforesaid, before the said Thomas Lane, Luke Robinson, Samuel Clark, Peter Elers, Esquires, and others their Fellows, then Justices of our said Lord the King, assigned to keep the Peace in the said County, and also to hear and determine divers Felonies, Trespasses and other Misdeeds, committed in the same County, wickedly, maliciously, unjustly, and without any Cause, prefer and exhibit unto, and before the Jurors of the Grand Inquest, then, and there sworn, and charged to enquire for our said Lord the King, for the Body of the said County, a certain Bill of Indictment against the said Edward, which said Bill of Indictment follows in these Words: Middlesex, The Jurors for our Lord the King, upon their Oath, present, That the Honourable Edward Walpole, late of the Parish of St. James, within the Liberty of Westminster, in the County of Middlesex, Esq; on the First Day of March, in the Twenty-Third Year of the Reign of our Sovereign Lord George the Second, King of Great Britain, &c. with Force and Arms, at the Parish aforesaid, in the County aforesaid, in, and upon one John Cather, Gent. in the Peace of God, and our said Lord the King, then and there being, did make an Assault, and him the said John, then and there did beat, wound, and ill treat, so that of his Life it was greatly despaired, with Intent, then and there, feloniously, and against the Order of Nature, to commit that detestable and sodomitical Sin, (not to be named amongst Christians) commonly called Buggery, with the said John, and other Wrongs to the said John, then and there did, to the great Damage of the said John, and against the Peace of our said Lord the King, his Crown and Dignity. And the Jurors aforesaid, upon their Oath aforesaid, do further present, That the said Edward Walpole, on the said First Day of March, in the Year aforesaid, with Force and Arms, at the Parish aforesaid, in the County aforesaid, in, and upon the said John Cather, in the Peace of God, and our said Lord the King, then and there being, did make an Assault, and him

the said John, then and there did beat, wound, and ill treat, so that of his Life it was greatly despaired, and other Wrongs to the said John, then and there did, to the great Damage of the said John, and against the Peace of our said Lord the King, his Crown and Dignity: And the aforesaid present Jurors for our said Lord the King, do further present, That the said Indictment, our said present Sovereign Lord the King, afterwards, for certain Reasons caused to be brought before him, to be determined according to the Law, and Custom of England; and the aforesaid present Jurors, for our said Lord the King, do further present That afterwards, that is to say, on Friday next after the Morrow of the Holy Trinity, in Trinity Term, in the Twenty-fourth Year of the Reign of our said Sovereign Lord George the Second, now King of Great Britain, &c. before our said present Lord the King, at Westminster, came the said Edward Walpole, by William Hughes his Attorney, and having heard the said Indictment read, he pleaded thereto that he was Not Guilty thereof, and thereupon, he put himself upon the Country; and James Burrow, Esq; Coroner, and Attorney of our said present Sovereign Lord the King, before the King himself, who, for our said present Lord the King in that Behalf, prosecuted, did the like. And the aforesaid present Jurors for our said Lord the King, upon their said Oath, do further present, That the Court of our said Lord the King, before the King himself, at Westminster aforesaid, did therefore order a Jury thereupon to come before our said present Sovereign Lord the King, in three Weeks from the Day of the Holy Trinity, in Trinity Term aforesaid, wheresoever he should then be in England, by whom the Truth of the Matter might be better known, and who then should be not of the Kindred of the said Edward Walpole, to try upon their Oath, if the said Edward Walpole was Guilty of the Premises aforesaid, or not; because, as well the said James Burrow, Esq; who for our said present Sovereign Lord the King in that Behalf, prosecuted, as the said Edward Walpole had put themselves in that Behalf, upon the said Jury, and the same Day was given by the said Court, as well to the said James Burrow, Esq; who for our said present Sovereign Lord the King in that Behalf, prosecuted, as to the said Edward Walpole. And the aforesaid present Jurors for our said Lord the King, upon their said Oath, further present, That such further and other legal Proceedings were had in the said Court of our said Lord the King, before the King himself, at Westminster aforesaid, upon the said Indictment, and the aforesaid

Issue joined thereupon, that afterwards, To wit, On Thursday next after the End of the aforesaid Term of the Holy Trinity, in the Twenty-fourth Year of the Reign of our said present Sovereign Lord the King, at Westminster aforesaid, in the County aforesaid, in the Great Hall of Pleas there, before Sir William Lee, Knight, Chief Justice of our Lord the King, assigned to hold Pleas before the King himself, Thomas Owen, Gentleman, being associated to the said Chief Justice, according to the Form of the Statute in such Case made and provided ; came as well the said James Burrow, Esquire, who prosecuted for our said Lord the King, in that Behalf, as the said Edward Walpole, Esquire, by his said Attorney ; and the Jurors of the aforesaid Jury being then and there called, and drawn out of the Pannel, according to the Form of the Statute, in such Case lately made and provided, came, and were sworn upon the said Jury ; whereupon, publick Proclamation was made there in Court for our said Lord the King, as the Custom is, That if there was any one who would inform the Chief Justice aforesaid, the King's Serjeant at Law, the King's Attorney General, or the Jurors of the Jury aforesaid, concerning the Matters in the said Indictment contained, he should come forth, and should be heard ; and thereupon Sir Richard Lloyd, Knight, one of the Council learned in the Law, of our said Lord the King, offered himself on the Behalf of our said Lord the King, to do that ; whereupon, the Court there proceeded to the taking of the Inquest aforesaid, by the Jurors aforesaid, then and there appearing for the Purpose aforesaid, who being chosen, tried, and sworn to speak the Truth, touching and concerning the Matters in the said Indictment contained, did say upon their Oath, that the said Edward Walpole was not Guilty of the Premises charged upon him in the said Indictment, in Manner and Form, as the said Edward Walpole, by pleading for himself hath thereto alledged : Whereupon, all and singular the Premises being seen, and fully understood by the Court of our said Lord the King, then, and there it was considered and adjudged by the said Court there, that the said Edward Walpole, should go without Day in that Behalf : Wherefore, the present Jurors for our said present Lord the King, do further present, That the said John Cather, Walter Patterson, Adam Nixon, Daniel Alexander, and Patrick Cain, otherwise Kane, did the Day and Year first above-mentioned, at the Parish of Saint Swithin aforesaid, in the County aforesaid, wickedly, unlawfully, unjustly, and without Cause, combine, con-

spire, contrive, and agree together, to get and procure the aforesaid Indictment preferred and found against the said Edward Walpole, in Manner and Form aforesaid, with an Intent and Design unlawfully and unjustly to obtain and procure Money to themselves, from the said Edward Walpole, as aforesaid, and for other their wicked and malicious Purposes aforesaid, and other Wrongs and Injuries to the said Edward Walpole, then, and there did, to the great Damage of the said Edward Walpole, and against the Peace of our said present Lord the King, his Crown and Dignity. And the said present Jurors, upon their said Oath, do further present, That the said John Gather, Walter Patterson, Adam Nixon, Daniel Alexander, and Patrick Cain, otherwise Kane, being Persons of ill Name, Fame, and Reputation, and combining, conspiring, intending and designing, not only to deprive the said Edward of his good Name, Fame, and Reputation, but also wickedly, maliciously, and falsely to charge and accuse the said Edward, with making, with Force and Arms, an Assault on the said John, and beating, wounding, and ill treating him, so that of his Life it was greatly despaired, with an Intent, feloniously, and against the Order of Nature, to commit that detestable and sodomitical Sin (not to be named amongst Christians) commonly called Buggery, with him the said John, and with making, with Force and Arms, another Assault on the said John, and beating, wounding, and ill treating him, so that of his Life it was greatly despaired, and to subject the said Edward to such Punishment as by the Law of this Realm, Perform guilty of such Trespasses, Assaults, and Misdemeanours aforesaid, are subject and liable to, they, the said John, Walter, Adam, Daniel, and Patrick, in Pursuance and Prosecution of their said Combination, Contrivance, Conspiracy, Intention, Design, and Purpose last aforesaid, did on the said Twenty-fourth Day of April; in the Twenty-third Year of the Reign of our said Sovereign Lord George the Second, now King of Great Britain, &c. in the Parish of Saint Sepulchre aforesaid, in the County aforesaid, wickedly, maliciously, and unjustly combine, contrive, and agree together, that he the said John, should then and there at the General Quarter Sessions of the Peace of our said Sovereign Lord the King, then and there holden Adjournment as aforesaid, before the said Tho. Lane, Lu. Robinson, Sam. Clark, Pet. Elers, Esqrs. and others their Fellow then Justices of our said Lord the King, assigned to keep the Peace of our said Lord the King, in the Co. aforesaid, and so to hear and determine divers Felonies, Trespasses, and other Misdeeds, committed in the same County.

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